

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Raymond Cenaka Wooden
5730 Camac Street, Philadelphia, PA 19141

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Weisberg Law
7 South Morton Avenue, Morton, PA 19070

DEFENDANTS

City of Philadelphia, et al
One Parkway Building - 14th Floor

County of Residence of First Listed Defendant Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Andrew Pomager, Esquire

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 FEDERAL TAX SUITS

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Plaintiff alleges Federal Civil Rights violation under 42 U.S.C. Section 1983

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/13/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Raymond Cenaka Wooden 5730 Camac Street, Philadelphia, PA 19141

Address of Defendant: City of Philadelphia Law Department, 1515 Arch St., Phila., PA 19102

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/13/2019


Attorney-at-Law / Pro Se Plaintiff

324618

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAYMOND CENAKA WOODEN

5730 Camac Street

Philadelphia, PA 19141

Plaintiff

v.

CITY OF PHILADELPHIA D/B/A THE

PHILADELPHIA POLICE

DEPARTMENT

1515 Arch St 16th Floor

Philadelphia, PA 19102

and

JOHN MOUZON

In his individual and official capacity as a

police officer for the PHILADELPHIA

POLICE DEPARTMENT

1515 Arch St 16th Floor

Philadelphia, PA 19102

and

LEON MCKNIGHT

In his individual and official capacity as a

police officer for the PHILADELPHIA

POLICE DEPARTMENT

1515 Arch St 16th Floor

Philadelphia, PA 19102

and

EUGENE KITTLES

In his individual and official capacity as a

police officer for the PHILADELPHIA

POLICE DEPARTMENT

1515 Arch St 16th Floor

Philadelphia, PA 19102

and

BARRY CHARLES

In his individual and official capacity as a

police officer for the PHILADELPHIA

POLICE DEPARTMENT

1515 Arch St 16th Floor

Philadelphia, PA 19102

PHILADELPHIA COUNTY COURT
OF COMMON PLEAS

NO: 181100416

JURY OF TWELVE (12) JURORS
DEMANDED

and

JAMES GIST

**In his individual and official capacity as a
police officer for the PHILADELPHIA
POLICE DEPARTMENT
1515 Arch St 16th Floor
Philadelphia, PA 19102**

and

WILLIAM PRINCE

**In his individual and official capacity as a
police officer for the PHILADELPHIA
POLICE DEPARTMENT
1515 Arch St 16th Floor
Philadelphia, PA 19102**

and

HATTIE MCKELLAR

**In his individual and official capacity as a
police officer for the PHILADELPHIA
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1515 Arch St 16th Floor
Philadelphia, PA 19102**

and

DONALD CAIN

**In his individual and official capacity as a
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1515 Arch St 16th Floor
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and

KEVIN WIMS

**In his individual and official capacity as a
police officer for the PHILADELPHIA
POLICE DEPARTMENT
1515 Arch St 16th Floor
Philadelphia, PA 19102**

and

RANAE JEFFCOAT

**In his individual and official capacity as a
police officer for the PHILADELPHIA
POLICE DEPARTMENT
1515 Arch St 16th Floor
Philadelphia, PA 19102**

Defendants

CASE MANAGEMENT TRACK DESIGNATION FORM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

03/13/2019
Date

Andrew Pomager
Andrew Pomager, Esq.

Defendants
Attorney for

(215) 683-5446

(215) 683-5397

andrew.pomager@phila.gov

Telephone
(Civ. 660) 10/02

FAX Number

E-mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND CENAKA WOODEN	:	PHILADELPHIA COUNTY COURT OF COMMON PLEAS
5730 Camac Street	:	
Philadelphia, PA 19141	:	
	:	
Plaintiff	:	NO. 181100416
	:	
v.	:	
	:	
	:	
CITY OF PHILADELPHIA D/B/A THE PHILADELPHIA POLICE DEPARTMENT	:	JURY OF TWELVE (12) JURORS DEMANDED
1515 Arch Street 16th Floor	:	
Philadelphia, PA 19102	:	
	:	
and	:	
	:	
JOHN MOUZON	:	
In his individual and official capacity as a police officer for the PHILADELPHIA POLICE DEPARTMENT	:	
1515 Arch Street 16th Floor	:	
Philadelphia, PA 19102	:	
	:	
and	:	
	:	
LEON MCKNIGHT	:	
In his individual and official capacity as a police officer for the PHILADELPHIA POLICE DEPARTMENT	:	
1515 Arch Street 16th Floor	:	
Philadelphia, PA 19102	:	
	:	
and	:	
	:	
EUGENE KITTLES	:	
In his individual and official capacity as a police officer for the PHILADELPHIA POLICE DEPARTMENT	:	
1515 Arch Street 16th Floor	:	
Philadelphia, PA 19102	:	
	:	
and	:	
	:	
BARRY CHARLES	:	
In his individual and official capacity as a police officer for the PHILADELPHIA	:	

**POLICE DEPARTMENT
1515 Arch Street 16th Floor
Philadelphia, PA 19102**

and

**JAMES GIST
In his individual and official capacity as a
police officer for the PHILADELPHIA
POLICE DEPARTMENT
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and

**WILLIAM PRINCE
In his individual and official capacity as a
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**HATTIE MCKELLAR
In his individual and official capacity as a
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**DONALD CAIN
In his individual and official capacity as a
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and

**KEVIN WIMS
In his individual and official capacity as a
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1515 Arch Street 16th Floor
Philadelphia, PA 19102**

and :
:
RANAE JEFFCOAT :
In his individual and official capacity as a :
police officer for the PHILADELPHIA :
POLICE DEPARTMENT :
1515 Arch Street 16th Floor :
Philadelphia, PA 19102 :
:
Defendant (s) :

NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.

Pursuant to 28 U.S.C. § 1441, defendants, John Mouzon, Barry Charles, William Prince, Donald Cain, Kevin Wims, Ranae Jeffcoat, and the City of Philadelphia (hereinafter “petitioners”) through their counsel, Andrew Pomager, Assistant City Solicitor, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. On February 26, 2019, plaintiff filed a Complaint in the Court of Common Pleas in Philadelphia, February Term, 2019; No. 100416. (Exhibit A - Complaint).
2. On February 26, 2019 said Complaint was served on Petitioners at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania.
3. Plaintiff alleges that on or about September 13, 2012 he sustained damages when his civil rights were violated by the defendants. (Exhibit A).
4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff’s Complaint contains allegations of violations of the plaintiff’s Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

Wherefore, petitioners, John Mouzon, Barry Charles, William Prince, Donald Cain, Kevin Wims, Ranae Jeffcoat, and the City of Philadelphia, respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Andrew Pomager
Assistant City Solicitor



ANDREW POMAGER

Assistant City Solicitor

Attorney I.D. No. 324618

1515 Arch Street, 14th Floor

Philadelphia, PA 19102

215-683-5446

Date: 3/13/19

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND CENAKA WOODEN

**5730 Camac Street
Philadelphia, PA 19141**

Plaintiff

v.

**CITY OF PHILADELPHIA D/B/A THE
PHILADELPHIA POLICE
DEPARTMENT**

**1515 Arch Street 16th Floor
Philadelphia, PA 19102**

and

JOHN MOUZON

**In his individual and official capacity as a
police officer for the PHILADELPHIA
POLICE DEPARTMENT
1515 Arch Street 16th Floor
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**In his individual and official capacity as a
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**In his individual and official capacity as a
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1515 Arch Street 16th Floor
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and

BARRY CHARLES

**In his individual and official capacity as a
police officer for the PHILADELPHIA**

**PHILADELPHIA COUNTY COURT
OF COMMON PLEAS**

No. 181100416

**JURY OF TWELVE JURORS
DEMANDED**

**POLICE DEPARTMENT
1515 Arch Street 16th Floor
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In his individual and official capacity as a
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1515 Arch Street 16th Floor
Philadelphia, PA 19102**

and :
:
RANAE JEFFCOAT :
In his individual and official capacity as a :
police officer for the PHILADELPHIA :
POLICE DEPARTMENT :
1515 Arch Street 16th Floor :
Philadelphia, PA 19102 :
:
Defendant (s) :

NOTICE OF FILING OF REMOVAL

TO: Matthew B. Weisberg, Esquire
Weisberg Law
7 South Morton Ave.
Morton, PA 19070

PLEASE TAKE NOTICE THAT on March 13, 2019, defendants, John Mouzon, Barry Charles, William Prince, Donald Cain, Kevin Wims, Ranae Jeffcoat, and the City of Philadelphia, filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).



ANDREW POMAGER
Assistant City Solicitor
Attorney I.D. No. 324618
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5446

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND CENAKA WOODEN

5730 Camac Street

Philadelphia, PA 19141

Plaintiff

v.

**CITY OF PHILADELPHIA D/B/A THE
PHILADELPHIA POLICE
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1515 Arch Street 16th Floor

Philadelphia, PA 19102

and

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**In his individual and official capacity as a
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**In his individual and official capacity as a
police officer for the PHILADELPHIA
POLICE DEPARTMENT**

1515 Arch Street 16th Floor

Philadelphia, PA 19102

and

**PHILADELPHIA COUNTY COURT
OF COMMON PLEAS**

No. 181100416

**JURY OF TWELVE (12) JURORS
DEMANDED**

BARRY CHARLES

**In his individual and official capacity as a
police officer for the PHILADELPHIA
POLICE DEPARTMENT
1515 Arch Street 16th Floor
Philadelphia, PA 19102**

and

JAMES GIST

**In his individual and official capacity as a
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and

RANAE JEFFCOAT
In his individual and official capacity as a
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1515 Arch Street 16th Floor
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Defendants

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CERTIFICATE OF SERVICE

I, Andrew Pomager, Assistant City Solicitor, do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid, on the date indicated below:

TO: Matthew B. Weisberg, Esquire
Weisberg Law
7 South Morton Ave.
Morton, PA 19070



ANDREW POMAGER

Assistant City Solicitor

Attorney ID No. 324618

City of Philadelphia Law Department

1515 Arch Street, 14th Floor

Philadelphia, PA 19102

215-683-5446

Date: 3/13/19

Exhibit “A”

WEISBERG LAW
 Matthew B. Weisberg, Attorney ID No. 85570
 7 South Morton Ave.
 Morton, PA 19070
 610-690-0801
 Fax: 610-690-0880
Attorney for Plaintiff

Schafkopf Law, LLC
 Gary Schafkopf, Attorney ID No. 85582
 11 Bala Ave
 Bala Cynwyd, PA 19004
 610-664-5200 Ext 104
 Fax: 888-283-1334
Attorney for Plaintiff



RAYMOND CENAKA WOODEN
 5730 Camac Street
 Philadelphia, PA 19141

Plaintiff

v.

**CITY OF PHILADELPHIA D/B/A THE
 PHILADELPHIA POLICE
 DEPARTMENT**
 1515 Arch St 16th Floor
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and

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PHILADELPHIA COUNTY COURT
 OF COMMON PLEAS

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Defendants

NOTICE TO DEFEND

NOTICE	AVISO
<p>You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.</p>	<p>Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.</p>

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association
One Reading Center
11th & Market Streets
Philadelphia, PA 19107
215-238-6333

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMATION ACERCA DE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

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Attorney for Plaintiff

RAYMOND C. WOODEN
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Plaintiff

v.

**CITY OF PHILADELPHIA D/B/A THE
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PHILADELPHIA COUNTY COURT
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Defendants

CIVIL ACTION COMPLAINT

I. Jurisdiction and Venue

1. Venue lies in this district in that the events giving rise to this claim occurred here, at least one (1) Defendant resides, maintains a principal place of business, and/or does business here, and/or the property which is the subject of this action is situated within this district.
2. Jurisdiction and venue are therefore proper in Philadelphia.

II. Parties

3. Plaintiff, Raymond Cenaka Wooden, is an adult individual residing at the above-captioned address.
4. Defendant, City of Philadelphia, doing business as the Philadelphia Police Department, is a government agency doing business at the above captioned address.
5. Defendant, John Mouzon, is an adult individual who, at all times material, acted individually, as well as in his individual capacity as an agent, servant, workman, or

employee of, the Philadelphia Police Department acting under color of state law as a police officer.

6. Defendant, Leon McKnight, is an adult individual who, at all times material, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer.
7. Defendant, Eugene Kittles, is an adult individual who, at all times material acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer.
8. Defendant, Barry Charles, is an adult individual who, at all times material, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer.
9. Defendant, James Gist, is an adult individual who, at all times material, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer.
10. Defendant, William Prince, is an adult individual who, at all times material, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer.
11. Defendant, Hattie McKellar is an adult individual who, at all times material, acted

individually, as well as in her individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer.

12. Defendant, Donald Cain, is an adult individual who, at all times material, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer.
13. Defendant, Kevin Wims, is an adult individual who, at all times material, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer.
14. Defendant, Ranae Jeffcoat, is an adult individual who, at all times material, acted individually, as well as in her individual capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of state law as a police officer

III. Operative Facts

15. On or about September 13, 2012, Plaintiff, Raymond Cenaka Wooden was visiting one of his properties (located at 3041 N. 15th St. Philadelphia, PA).
16. Wooden was there to collect rent from his tenants.
17. The property is a multi-unit building zoned for four (4) apartments; not a single-family home as listed on the police report.
18. Plaintiff was in the living room of one of the apartments speaking with two (2) tenants when Defendants, Officers John Mouzon, Leon McKnight, Eugene Kittles, Barry

Charles, James Gist, Hattie McKellar, Donald Cain, Kevin Wims and Ranae Jeffcoat arrived.

19. Defendants stated they were conducting a narcotic investigation looking for a light-skinned African American man with braids.
20. Plaintiff advised the officers that an individual matching that description lived in the complex.
21. The officers at the scene searched the property looking for drugs even though the man they were looking for was known not to be present.
22. Despite not fitting the description of the suspect, Wooden was searched by officer Jeffcoat.
23. Jeffcoat confiscated about \$300 from Wooden and searched Wooden's bag.
24. In Wooden's bag, officers found about \$1200.00 in cash and money orders.
25. The bag also contained rent receipts which matched the amount of money in the bag.
26. Wooden asked the officers on the scene for the search warrant; they did not produce it.
27. When the officers found the cash in Wooden's possession they threw him on the floor and restrained him with handcuffs.
28. Wooden asked when his money would be returned; he was told to "shut up or he would be arrested."
29. Sometime after seizing Wooden, drugs and a gun were found on the premises.
30. Defendant, Sergeant William Prince arrived on scene prior to Wooden's arrest.
31. Wooden advised he did not meet the description of the suspect; that he did not have any narcotics on his person; nor did he own the gun that was found on the premises
32. Mouzon prepared a police report falsely stating that the drugs and the gun had been

recovered from Wooden.

33. Wooden advised he did not meet the description of the suspect and did not have any narcotics on his person.
34. Prince nonetheless signed off on the report leading to Wooden's arrest.
35. Wooden was arrested and taken to the 35th Police District Headquarters.
36. Later Prince signed off on a property receipt stating that the drugs were found inside the property and not on Wooden.
37. Wooden was falsely charged with possession with intent to deliver, simple possession, carrying a firearm without a license, and possession of an instrument of crime.
38. Wooden was unable to post bail and remained in custody for about four (4) years.
39. While awaiting trial, Wooden discovered Defendants Mouzon and McKnight had the property under surveillance for at least four (4) days prior to the arrest.
40. Mouzon falsely stated in his police report that he had witnessed Wooden entering and leaving the property and engaging in a drug transaction with a confidential informant.
41. Mouzon falsely reported that a confidential informant had placed Wooden at the scene selling drugs.
42. Mouzon falsely testified that Plaintiff was a light-skinned African American Male with long braids down to his shoulders.
43. Mouzon falsely reported that the gun found on the property belonged to Wooden.
44. Wooden is not a light-skinned African American male and does not have long braids.
45. Wooden was able to prove that he was in hospital at the time when Mouzon and McKnight alleged that they witnessed him selling narcotics to the confidential informant.
46. At no time during Wooden's imprisonment did any of the remaining officers excluding

Mouzon come forward to provide exculpatory evidence or testify that Wooden did not fit the description of the suspect, did not take part of in the drug transactions or possess any drugs, or carry any fire arms or possess any firearms or commit any crimes as being charged in the inditement.

47. Defendants failed to produce exculpatory documents requested by Wooden regarding the confidential informant cited by Mouzon leading to Wooden's continued confinement.
48. The City of Philadelphia failed to produce a weapons trace report showing the gun in question was owned by Wooden's tenant (who lived on the property) and that tenant had a valid license to own the gun.
49. Jeffcoat who searched Wooden and his personal property failed to come forward and advise the prosecution that Wooden did not have any narcotics on him.
50. While Wooden was incarcerated, the Defendants seized and sold Wooden's property.
51. The Philadelphia District Attorney's Office withdrew all charges on November 7, 2016.
52. As a direct and proximate result of Defendants' misconduct, Plaintiff significant financial loss and severe emotional distress.

COUNT I

Malicious Prosecution/ False Arrest / Wrongful Imprisonment/ Illegal Search and Seizure

53. Plaintiff incorporate by reference all prior paragraphs as if fully set forth at length herein.
54. At the time of Defendants' investigation, arrest, charges, and imprisonment, Plaintiff Raymond Cenaka Wooden, had not committed any infraction giving rise to the probable cause/reasonable suspicion and/or to legally justify the incarceration and charges.
55. Defendants' actions stated above, *inter alia*, were committed under the color of state law and were violations of Plaintiff's clearly established and well-settled Constitutional and other legal rights.

56. Defendants caused Plaintiff to suffer a malicious prosecution by their wrongful conduct in subjecting Plaintiff to false criminal charges.
57. Defendants instituted criminal action against Plaintiff by way of failing to properly investigate the alleged obstructing administration of law/government function.
58. Plaintiff, Raymond Cenaka Wooden, was seized at the time he was arrested.
59. Defendants did not have probable cause nor any cause to arrest, charge, and/or accuse Plaintiff of the criminal acts.
60. The criminal action terminated in Plaintiff's favor and Plaintiff was released after all charges were withdrawn.
61. Further, Defendants arrested and falsely imprisoned Plaintiff, Raymond Cenaka Wooden, without probable cause nor any cause denying him due process.
62. To perpetuate its misconduct, Defendants, clothed themselves with color of state authority.
63. Defendants' willful, reckless and malicious actions were made in an effort to deprive Plaintiff, Raymond Cenaka Wooden, of his rights.

WHEREFORE, Plaintiff respectfully request this Honorable Court enter judgment in his favor and against Defendants, individually, jointly and severally, in an amount in excess of fifty thousand dollars (\$50,000.00), plus such other and further relief as this Honorable Court deems necessary and just.

COUNT II
Monell

61. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

62. Prior to the events described herein, Defendants developed and maintained policies, practices, procedures and customs exhibiting deliberate indifference to the Constitutional rights of persons, which caused violations of Plaintiff's constitutional and other rights
63. The above described acts or omissions by Defendants, demonstrated a deliberate indifference to the rights of citizens, such as Plaintiff, and were the cause of the violations of Plaintiff's rights as set forth herein.
64. Plaintiff suffered harm due to Defendants' conduct.

WHEREFORE, Plaintiff respectfully request this Honorable Court enter judgment in his favor and against Defendants, individually, jointly and severally, in an amount in excess of fifty thousand dollars (\$50,000.00), plus such other and further relief as this Honorable Court deems necessary and just.

Respectfully Submitted,

WEISBERG LAW

/s/: Matthew Weisberg
Matthew Weisberg, Esquire
Attorney for Plaintiff

DATED: 2-26-19

SCHAFKOPF LAW, LLC

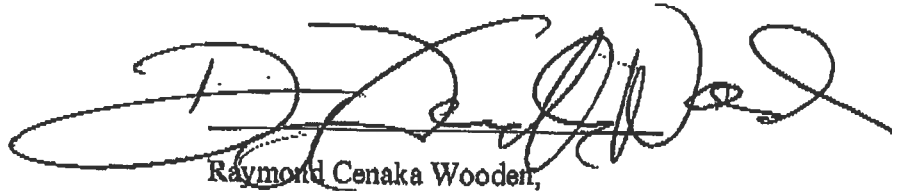
/s/: Gary Schafkopf
Gary Schafkopf, Esquire
Attorney for Plaintiff

DATED : 2-26-19

VERIFICATION

I, Raymond Cenaka Wooden, state that I am the Plaintiff in this action and that the foregoing is true and correct to the best of my knowledge, information and belief. I understand that the statements made in the foregoing Complaint are made subject to the penalties of 18 Pa.C.S. 4904 related to unsworn falsification to authorities.

Dated: 2-11-19



Raymond Cenaka Wooden,

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND CENAKA WOODEN
5730 Camac Street
Philadelphia, PA 19141

Plaintiff

v.

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Philadelphia, PA 19102 :
:
Defendant (s) :

NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(d), Defendants, John Mouzon, Barry Charles, William Prince, Donald Cain, Kevin Wims, Ranae Jeffcoat, and the City of Philadelphia (collectively, the “Removing Defendants”), by and through undersigned counsel, hereby give notice that they have filed in the United States District court for the Eastern District of Pennsylvania the attached Notice of Removal (without exhibits) of the above-captioned action.

Pursuant to 28 U.S.C. § 1446, the filing of this Notice effects the removal of this action to the federal court, and this Court is directed to “proceed no further unless and until the case is remanded.” 28 U.S.C. § 1446(d).

Respectfully submitted,

Date: March 13, 2019



Andrew Pomager, Esquire
Assistant City Solicitor